REMARKS

Claims 1-15 are currently pending, with claims 1, 8 and 15 being the only independent claims. Claim 15 has been added. Reconsideration of the application, in view of the following remarks, is respectfully requested.

In the Office Action dated June 29, 2005, independent claims 1 and 8, and dependent claims 2-7 and 9-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,831,976 ("*Lin*") in view of U.S. Patent No. 6,438,376 ("*Elliott*"). For the reasons which follow, it is respectfully submitted that all claims of the present application are patentable over the cited references.

Lin relates to a method and apparatus for time sharing a radio communication channel (see col. 1, lines 7-9). The Office Action (pg. 2 and 5) admits that "*Lin* fails to [disclose] allocating on request a channel according to the predetermined classification and a desired quality class of transmission," as recited in independent claims 1 and 8. The Examiner relies upon *Elliot* to address this admitted deficiency of *Lin*.

Elliott is directed to enhancing management, control and quality of service (QoS) in wireless systems. *Elliott* (col. 3, lines 60-64) states, information representing the geographic position of a mobile station is provided to a system for the purpose of advancing or retarding transmissions to the BTS of a target cell or sector during a hand-off. *Elliott* (col. 3, lines 64-67) teaches that this information is used to reduce or avoid the muting period that is needed to allow synchronization of the mobile station transmissions to the target cell or sector.

The Office Action (pg. 2, ¶1 thru pg. 3) states:

> Elliott teaches, in an analogous art, that predetermining, for each base station, a classification for each channel according to the probability of interference at the channel with other base stations of the plurality of base stations; (abstract, quality index; Col. 12; 55-Col. 13; 44) and
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> allocating on request a channel according to the predetermined classification and a desired quality of class transmission. (Predetermined...limit, Col. 12; 55-Col. 13; 44) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include allocating on request a channel according to said predetermination and a desired quality class of transmission in order to enhance the wireless system management of channel assignment in a wireless communication system.

Independent claims 1 and 8 include the limitation "predetermining/predetermine, for each base station, a classification for each channel according to the probability of interference at the channel with other base stations of the plurality of base stations". *Elliott* fails to teach this limitation.

Elliott's FIG. 11 is an illustration of an array or matrix 240 that is developed and stored in memory within the network 40 to track the quality index and power level average for each of channels 1 through "n" as each is used in each of the quadrants A through WW of sector S 3 of the cell 200.

Elliott (col. 12, line 64 thru col. 13, line 3) describes that channels are preferably placed in an order beginning with the quality index indicating the highest level of QoS (corresponding to the lowest numerical value of quality index) to the quality index indicating the lowest level of QoS (corresponding to the highest numerical value of quality index). That is, *Elliott* teaches the development of an index that represents the QoS of a channel.

Elliott (col. 13, line 4-6) teaches that the matrix 240 is accessed by the network 40 as a mobile station requests or receives a call within a quadrant or travels into the quadrant while engaged in an active call. *Elliott* (col. 13, lines 6-9) further states, an available or idle channel with the quality index indicating the highest quality of service is assigned to the call. *Elliott* (col. 13, lines 12-14) teaches that an array of quality indexes is developed for each quadrant, with the channel having the highest quality of service listed at the head of a linked list.

Elliott (col. 13, lines 34-37) states, the use of the quality index and power level average of the matrix 240 allows prediction of channel and power level assignment and selection, with reference to the prior QoS, to enhance or optimize the QoS. However, *Elliott* fails to teach or suggest the limitation "predetermining/predetermine, for each base station, a classification for each channel <u>according to the probability of interference</u> at the channel with other base stations of the plurality of base stations," as recited in independent claims 1 and 8. *Elliott* teaches channel assignments are performed according to the QoS that is indicated for a channel in a cell. There is nothing in *Elliott* about interference between base stations.

Elliott (col. 13, lines 37-42) states, in addition to average power level information, a trend designation is also implemented to identify quadrants in which the power level of each channel is increasing, decreasing or remaining the same. Power levels may increase/decrease for various reasons. However, there is nothing in *Elliott* that states "a classification for each channel is

predetermined according to the probability of interference at the channel with other base stations," as recited in claims 1 and 8. In view of the foregoing, independent claims 1 and 8 are patentable over *Lin*, either individually or in combination with *Elliott*. Consequently, reconsideration and withdrawal of all the rejection under 35 U.S.C. §103 are in order, and a notice to that effect is requested.

New independent claim 15 has been added. Claim 15 corresponds to claim 8 and is also allowable for the same reasons.

In view of the patentability of independent claims 1, 8 and 15, for the reasons set forth above, dependent claims 2-7 and 9-14 are all patentable over the prior art.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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